

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q62820

Naoyuki ORII, et al.

Appln. No.: 09/769,392

Group Art Unit: 2155

Confirmation No.: 4710

Examiner: Bharat BAROT

Filed: January 26, 2001

For: SYSTEM, METHOD AND STORAGE MEDIUM FOR DISTRIBUTING
INFORMATION USEFUL IN SPECIFIC AREA TO PORTABLE TERMINALS

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated March 26, 2008. Entry of this
Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 3, 5, 6, 9, 11, 12, 15, 17-19 and 25 are pending, stand rejected, and are the basis of this Appeal.

Claims 1, 2, 4, 7, 8, 10, 13, 14, 16 and 20-24 have been canceled, and are not the subject of this Appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 3, 5-6, 9, 11-12, 15, 17-18, and 25 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,813,608 to Baranowski et al (“Baranowski”). Appellant notes that claim 22, which is listed in the Examiner’s Answer (Page 3, paragraph 9, “GROUND OF REJECTION”) as being rejected under 35 U.S.C. § 102(e) is not pending, and therefore, not subject to review on Appeal.

B. Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Baranowski.

ARGUMENT

A. Claims 3, 5-6, 9, 11-12, 15, 17-18, and 25 are not anticipated under 35 U.S.C. § 102(e) by Baranowski.

In response to the Examiner's argument that Baranowski "clearly teaches that distributing the second information, differing from the first information, to portable terminals of customers not perceived to be visiting the shopping mall" (Examiner's Answer, page 8, last paragraph), Appellant notes that the portable device 100 in Baranowski is used at the facility (the amusement park). Baranowski does not disclose a second type of information to the **portable device 100** when the customer is **not perceived to be visiting** the amusement park.

In other words, there is no suggestion that the portable devices 100 should receive a second type of information when they are not at the amusement park. The Examiner points to columns 13, 14 and 15 of Baranowski for teaching the distribution of the second type of information to the portable terminals of customers that are not visiting the amusement park; however, these portions of Baranowski as well as the remaining portions of the reference are silent with respect to having the **portable terminal** receive the information off-site. At most, information is sent to the user's home computer, when they are planning a trip to the amusement park, purchasing merchandise, etc. However, there is no suggestion that when the customer is not perceived to be visiting the amusement park that information is sent to their **portable terminal 100**. In fact, the only time information is sent to the portable terminal is when the customer is at the amusement park, because the type of information being sent is specifically related to their instant visit, such as distance to the next event at the amusement park, schedule of events, etc. to enhance their visit to the amusement park and alleviate long lines, feeling lost, etc.

In contrast, the present invention specifically provides for a second type of information to be sent to the customer's portable terminal when they are not visiting the shopping mall as an effort to entice the customer to visit the shopping mall.

In other words, the present invention distributes two types of information to a portable terminal of a customer, depending on whether the customer is perceived to be visiting the shopping mall. Baranowski fails to disclose such a feature.

In view of the foregoing, claim 3 is patentable.

B. Claims 9, 15 and 25

Since claims 9, 15, and 25 contain features that are analogous to the features recited above for claim 3, Appellant submits that such claims are patentable for at least analogous reasons as claim 3.

C. Claims 5-6, 11-12 and 17-18

Since claims 5-6, 11-12 and 17-18 are dependent upon one of claims 3, 9 and 15, Appellant submits that such claims are patentable by virtue of their dependency.

D. Claim 19 is not rendered obvious under 35 U.S.C. § 103(a) by Baranowski.

Claim 19 is patentable for at least the same reasons as claim 15 by virtue of its dependency therefrom.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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Date: May 27, 2008